

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

OCT 25 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ROBERT A. MACDONALD  
and  
ROBERT J. RACE

Application No. 09/625,518

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on September 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 3 of the Examiner's Answer mailed April 19, 2004 (Paper No. 17), the examiner listed the following references under the heading "(9) Prior Art of Record";

U.S. Patent No. 6,263,341	Smiley	07-17-2001
Index interface links CASE and IBM's DB2	Feuche	10-24-1988

It is noted that the Bapat, Bachman, Skinner, Rosensteel, Koss and Tse references cited on pages 8, 10 and 12-15 of the Examiner's Answer under the heading "Claim Rejections - 35 USC § 103" are not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (7th Ed., Rev. 1, Feb. 2000), clarification is required regarding the pertinence of the Bapat, Bachman, Skinner, Rosensteel, Koss and Tse references. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.  
The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

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(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Bapat, Bachman, Skinner, Rosensteel, Koss and Tse references under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed April 19, 2004 (Paper No. 17).

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for clarification under MPEP § 1211 regarding the pertinence of the Bapat, Bachman, Skinner, Rosensteel, Koss and Tse references listed on pages 8, 10 and 12-15 of the Examiner's Answer (Paper No. 17);

2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Bapat, Bachman, Skinner, Rosensteel, Koss and Tse references in a Supplemental Examiner's Answer under the heading "References of Record";

3. for written notification to appellants regarding the action taken; and

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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